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Of him and his high order of talents, Charles Dickens, Jefferson Davis, Alexander H. Stephens, Henry S. Foote, Henry W. Hilliard and other eminent men are quoted as speaking in the highest terms. It is a pretty compliment that Tyler county, in West Virginia, named in 1814 for the elder John Tyler, was surrounded by the Legislature of Virginia with counties bearing the names of several of President Tyler's most valued councillors—Webster, Calhoun, Upshur and Gilmer. So that the administration of 1841–1845 is represented topographically on the map of West Virginia.

J. LESSLIE HALL,

Professor of History in William and Mary College.

THE EARLY RELATIONS BETWEEN MARYLAND AND VIRGINIA. By John H. Latané, A. B., Johns Hopkins Press, Baltimore, March and April, 1895.

(Review continued from Vol. V, page 106.)

In the Robinson MSS. there is not an allusion to Mr. Harrison, from which I infer he never appeared, and no order was ever made with reference to him. He must have understood that he had to obey the law, or resign his ministerial functions. William Durand then seems to have assumed the position of the religious leader of that section, for on Sunday, the 28th day of May, 1648, "Richard Conquest, gent, high sheriff of the county of Lower Norfolk, went to the church or chappell of Elizabeth River aforesaid," where he saw William Durand go "in the Desk or Reading Place of the said Church," and also "into the pulpit to preach to the people as he hath 'customarily done' for three months last past." Conquest "made a public proclamation, requiring all persons there assembled, to return to their several dwellings," or to answer for their "contempt" for their failure so to do. They did not obey. Mr. William Durand was arrested, and Mr. Cornelius Lloyd, Mr. Edw'd Lloyd, and Mr. John fferinhaugh, not only "denyed and refused to aid in making the arrest" upon being summoned so to do; but, interfered, and released Durand.

On the 10th of August, 1648, John Norwood was ordered to render an account of the Glebe lands, "ever since Parson Harrison hath deserted his ministerial office." On November 3d, 1648, an attachment issued against the property of William Durand for 5,600 pounds of tobacco, to defray "the great charges occasioned by William Durand, the King's prisoner formerly."

Thomas Marsh became his security and the attachment was dismissed.

The Robinson MSS. show that an order was made against Durand, and the Norfolk county records show what that order was, viz: That Thomas Marsh, his security, was to pay the 5,669 pounds of tobacco, because the "said Durand hath conveyed his estate out of the country." August 15, 1649, Edward Lloyd and seven others, and also on the same date (I believe), Cornelius Lloyd and sixteen others, were presented for not attending the parish Church, and for refusing to hear the Common Prayer contrary to the statute of 23 Elizabeth, chapter I, and 1st Elizabeth, chapter II. They were given untill the 1st of October "to inform their judgements, when they were to make their personal appearance in court, and to abide by such orders as the court should think fit." On the 1st of October, 1649, they were ordered "to give bond and security, to appear at James City, upon the 8th of October before the General Court" composed of the Governor and his council.

Whilst these proceedings were pending in the Virginia Courts "some of the people of the congregation in Nansemond" appealed to Cromwell. I have endeavored to obtain a copy of their petition from the Public Record Office in London but it can not be found. Mr. J. J. Cartwright, the Secretary informs me, that the full text of every thing in the office that relates to it is as follows, viz:

"Die Jovis, 11^o Octob^o, 1649.

"Lo. Pres. Bradshaw, Sr. Wm. Masham, Sr. Wm. Constable, Sr. John Davers, Mr. Robinson, Mr. Heveningham, Mr. Scott, Ald. Pennington, Mr. Holland, Sr. Hen. Mildmay, Sr. James Harrington, Col. Ludlow.

"That a Letter be written to ye Governor of Virginia to demand an account of him why he hath banished Mr. Harrison, lately a minister in that plantacon, and that he doth it by the next opportunity.

"To ye Governor of Virginia:

"Sr.—Wee are informed by the petition of some of the people of the congregation of Nansamund, in Virginia, that they had long enjoyed the benefit of the ministry of Mr. Harrison, who is an able man and of unblameable conversation, who hath beene banished by you for no other cause but for that he would not conforme himselfe to the use of the Comon prayer booke. Wee know you cannot be ignorant that the use of the comon prayer booke is prohibited by the Parlⁱ of England, and therefore you are hereby required to permit the same Mr. Harrison to returne to his sayd Congregation to the exercise of his ministry there unlesse there be such sufficient cause as shall be approved by the Parlam^t or this Councell, when the same shall be represented unto us of yo^r compliamente herein. Wee expect to receive an account from yo^r selfe by the first opportunity.

"Whitehall, 11^o Octob^r, 1649."

The General Assembly of Virginia in answer to this demand of Cromwell's Council of State, in March 1651 returned this proud reply: "Since the beginning of the Colony we have never innovated, nor altered any thing in the maine of the Government. But in case we had done it, what more likely Patrons could we chuse to protect us, than those who accuse us? Grant we had banish'd, confin'd, imprison'd, condemn'd and executed those that refuse to obey the laws confirm'd by many consummated free Parliaments: Would not those pardon, and absolve us, who have done the same to others that have refused to obey their edicts, when they in their consciences believe they ought not to acknowledge to be a Parliament. Yet, the truth is, we have done none of these things. No man ever suffer'd in his person or estate. Concerning the differences in England, our laws keepe them in better awe than to dare to speak against the Protector of them. 'Tis true, indeed, Two Factious clergy men chose rather to leave the country than to take the oaths of Allegiance and Supremacy, and we acknowledge that we gladly parted with them." (*Va. Mag. of Hist. & Biog.*, Volume 1, page 80.)

Such is the record of the State of Virginia from the highest official sources. I can not find any allegation of harshness or cruelty to the Nansemond congregation, except in the narration of John Hammond, who in *Lear and Rachel* says: "And there was in Virginia a certain people congregated into a church calling themselves Independents, which daily increasing, several consultations were had by the State of the Colony, how to suppress and extinguish them, which was daily put in execution; as first their pastor was banished, next their other Teacher, then many by informations clapt up in prison, then generally disarmed (which was very harsh in such a country where the heathen lived round about them) by one Colonel Samuel Mathews, then a Counsellor in Virginia, and since Agent for Virginia to the then parliament, and lastly in a condition of banishment, so that they knew not in these straights how to dispose of themselves." (*Force's Tracts*, Vol. 3).

This is simply the exaggeration of a generous and kind-hearted man, who safe in England, sympathised with any misfortune that had ever befallen those who subsequently, "pro-scribed him to die," and would "causelessly have put him to death," had he not fled in disguise to England. The General Assembly denies that the State of Virginia ever banished any pastor or teacher of these people. There is not a particle of evidence that any of them were ever "disarmed." If it were so, Maryland and Massachusetts would long since have paraded it to the world. Mr. Savage admits that the order of Massachusetts to disarm her citizens is without a parallel in the history of any of the States.

Durand resisted arrest. He was arrested; gave his recognizance; forfeited it; moved his property out of the State and Marsh, his security was ordered to pay his debt. Many of his friends were presented for

violations of the Statutes of Elizabeth and of Virginia. They were given an abundance of time to determine what to do. They resolved to go to Maryland, and probably went in 1649, 1650, and in 1651, for so late as October, 1651, Cornelius Lloyd "taxed Mr. Richard Conquest in open court" for illegally taking 2,600 pounds of tobacco for transporting William Durand and Robert Pierson to Jamestown, and he was ordered to make his charges good at the next court or to make such restitution to Mr. Conquest "as the court thinks fit." They did not go hurriedly. They went leisurely. They negotiated with "the Lord Propriator and his Governor." "They had a whole county of the richest land in the province assigned to them" of their own selection—(Anne Arundel). They were guaranteed "liberty of conscience and privilege to choose their own officers." They agreed not to call each other Roundheads, Independents, Jesuits or Papists. And yet, by 1655 they had disfranchised the Catholics; had waged war upon them; had, by the treachery of Heamans, captured about two hundred of them; condemned many of them to death; shot three; "spared the rest because of the intercession of the women, and the refusal of the executioner to carry out the sentence" (*Leah and Rachel*); fined thirty-seven; chased the priests out of Maryland into Virginia; and John Hammond out of Maryland into Virginia, and out of Virginia into England.

No wonder he denounced (*Id.*) the turpitude of those transactions, and in 1656, with an indignation that neither time nor distance had quelled, should say "What ingratitude? with unparalleled inhumanitie in those practices made odious."

The Virginia Episcopalian can read that record without a blush for his ancestors. He can challenge comparison with the world for all that was amiable in disposition, and kind in acts.

The Puritan never had any influence in Virginia. In the very heyday of the Commonwealth, the Virginian was true to his King and to his church. They were a people "which generally bear a great love to the stated Constitutions of the Church of England in her Government and publick Worship; which gave us (who went thither under the prosecutions of it) the advantage of Liberty to use it constantly among them, after the Naval force had reduced that Colony under the power (but never to the obedience) of the Usurpers. Which Liberty we could not have enjoyed had not the People generally expressed great love to it * * * * In the late time of our churches' Persecution, her people alone cheerfully and joyfully embraced, encouraged and maintained the Orthodox Ministers that went over to them in their public Conformity to the Church of England in her doctrine and stated Manner of Public Worship." (*Virginia's Cure*, Force's Tracts, Vol. III.)

I doubt very much if the Independents of Nansemond amounted "to one hundred and eighteen people." When the records of Norfolk

county are published, it will appear that they were but a part and not the whole of that Western Branch Church. As the presentments were against both men and women, it is probable that they embraced the whole or the larger part of them.

There was another powerful factor besides religion in the removal of those people from Virginia to Maryland, and anybody at all familiar with the shrewd colonization schemes of Samuel Mathews, William Claiborne and Richard Bennett, can easily discover it. But whether the Independents went to Maryland or stayed in Virginia, it is perfectly clear to any student of Virginia history, not dominated by Puritan sympathies or by Puritan literature, that Virginia was, from 1607 to 1655, and for many a long year afterwards, "whol for monarchy" and the Church of England.

R. S. THOMAS.